

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JESSE SIMKINS,

Plaintiff,

No. CIV S-04-1433 DFL PAN P

vs.

FOOTHILL ORTHOPEDIC, et al.,

Defendants.

FINDINGS & RECOMMENDATIONS

By an order filed July 7, 2005, this court ordered plaintiff to complete and return to the court, within ninety days, the USM-285 forms necessary to effect service on defendant D. Sydenstricker. That ninety day period has since passed, and plaintiff has not responded in any way to the court's order.

IT IS HEREBY RECOMMENDED that plaintiff's claims against defendant Sydenstricker be dismissed without prejudice. See Fed. R. Civ. P. 41(b); 4(m).

These findings and recommendations will be submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, plaintiff may file written objections with the court. The document should be captioned "Objections to Findings and Recommendations." Plaintiff is advised that failure to file objections within the specified

1 time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153
2 (9th Cir. 1991).

3 DATED: March 16, 2006.

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6 UNITED STATES MAGISTRATE JUDGE
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